

JUNEAU POLICE DEPARTMENT

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Greg Browning
Chief of Police

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INFORMATION RELEASE

Subject: Officer Involved Shooting (Update)

Date: August 14, 2007

From: Chief Greg Browning

Summary:

The administrative investigation into Friday evening's officer involved shooting of Randall Clevenger has reached a conclusion. The investigation has determined that the use of deadly force in this circumstance was justified. Regrettably, the officer was left with no other reasonable choice than to meet an imminent threat to his life with deadly force.

The involved officer was Sgt. Paul Hatch, a 16 year veteran Juneau police officer who was employed as a police officer November 1, 1991 and promoted to Sergeant in May of 2006 after extensive experience in both patrol and investigations. Sgt. Hatch is a Juneau native.

Juneau District Attorney Doug Gardner was conferred with and informed of facts as the investigation progressed. He concurs that this use of force was justified. A copy of his letter regarding the case is attached to this release.

Sgt. Hatch will return to regular duty Friday.

Any charges reported in this press release are merely accusations and the defendants are presumed innocent unless and until proven guilty.

***** END OF STATEMENT *****

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STATE OF ALASKA

DEPARTMENT OF LAW

Criminal Division

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GOVERNOR**

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August 14, 2007

Chief Greg Browning
Juneau Police Department
6255 Alaway Avenue
Juneau, Alaska 99801

Re: JPD # b2007-027809

Dear Chief Browning,

You requested that I review an incident that occurred on August 10, 2007, JPD report 2007-027809. The incident involved contact between Randall Clevenger Jr., who was a suspect in a domestic violence case, and Juneau Police Sgt. Paul Hatch. During the contact, Sgt. Hatch shot and killed Mr. Clevenger.

We met at your office yesterday, and you and Lt. Sell provided me with JPD's administrative review report regarding this incident. We also listened to the field recording of the contact between Mr. Clevenger and Sgt. Hatch, made by Sgt. Hatch's field tape recorder. In addition to the above information, I toured the scene of the shooting on August 10, 2007, at your request, and I read the report of Lt. Sell and her interview with Sgt. Hatch.

From a review of all of the evidence, it is clear, beyond any reasonable doubt, that Sgt. Hatch was threatened with deadly force by Mr. Clevenger on August 10, 2007. The deadly force Mr. Clevenger threatened Sgt. Hatch with was a martial arts style sword approximately four feet long with what appears to be a double sided blade. Alaska law defines "deadly weapon" to include a "knife", or as presented in this case, a sword.

“Deadly force” in Alaska means force that a person uses that creates a substantial risk of death or serious physical injury.

When confronted with deadly force, a person may use deadly force to respond depending on the circumstances. In the case of a peace officer, acting within the scope of the officers’ employment, the officer does not have a duty to retreat before using deadly force.

Despite being threatened with deadly force by Mr. Clevenger, and where no duty to retreat was required, Sgt. Hatch tried to withdraw from the confrontation and tried, by the use of verbal commands, to defuse the situation. Mr. Clevenger continued to advance on Sgt. Hatch with the sword in a deadly force stance. Mr. Clevenger repeatedly asked Sgt. Hatch to kill him. Sgt. Hatch retreated over uneven swampy ground for nearly 60 feet until he tripped and fell. Without any other options, and being essentially trapped between Mr. Clevenger and an abandoned truck, Sgt. Hatch continued to try and defuse the advancing and armed Mr. Clevenger. When Sgt. Hatch shot Mr. Clevenger, he was out of options and was facing almost certain serious physical injury or death. Sgt. Hatch shot Mr. Clevenger three times from a distance of approximately five feet away.

Sgt. Hatch went beyond what Alaska law required of him in terms of retreating as a police officer. The shooting of Mr. Clevenger, under these circumstances, was a justifiable use of deadly force.

Sincerely,
Talis J. Coblerg
Attorney General

By:



Doug Gardner
District Attorney

cc: Lt. Kris Sell, JPD
Sgt. Paul Hatch, JPD